In the Punjab and Haryana High Court at Chandigarh.

CR No.4515 of 2007

Date of decision:06.09.2007.

Dr. Kartar Singh .... Petitioner.

Versus

Sukhwant Kaur and others .... Respondents.

Present: Mr.Amit Rawal, Advocate, for the petitioner.

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PERMOD KOHLI, J. (Oral):

This revision is directed against the order dated 29.08.2007 passed by the learned Civil Judge (Senior Division), Ludhiana, rejecting application for additional evidence filed by the petitioner-defendant Nos.1 and 2 in the suit. As a matter of fact two applications were filed before trial Court: one for additional evidence and second for framing additional issues. Both these applications have been rejected vide the impugned order. But the petitioner is aggrieved of only rejection of his application for additional evidence.

The trial Court has held that in view of the directions passed by this Court in Civil Revision No.2899 of 2006, both the parties were required to be given two opportunities. The parties have availed opportunities granted by this Court. Even thereafter, an application was made by the present petitioner for expert opinion relating to the will. Keeping in view the relevancy of such an evidence, the learned trial Court allowed said application. Now this application has been made by the petitioner to produce two witnesses, namely, Krishna Wanti and Harbans Lal, Retired Inspector, to prove certain allegations that the relationship between plaintiff No.1 and her deceased husband were strained. The petitioner is claiming his right on the basis of the will. How such an evidence is relevant is itself a question. In any case, I refrain myself from making any comment. The learned trial Court has found that such an evidence has no relevancy. No interference is warranted as there is no legal or factual error in the impugned order.

Dismissed.

September 06, 2007. (PERMOD KOHLI)
BLS JUDGE